
TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule
LSA Document #18-123**DIGEST**

Amends [345 IAC 9-2.1-1](#) to change the incorporation by reference from January 1, 2016, to January 1, 2018. Amends [345 IAC 9-12-2](#) and [345 IAC 9-17-16](#) to clarify references to certain federal regulations. Amends [345 IAC 9-21.5-2](#) to change the incorporation by reference from January 1, 2016, to January 1, 2018. Amends [345 IAC 10-2.1-1](#) to change the incorporation by reference from January 1, 2016, to January 1, 2018. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)[345 IAC 9-2.1-1](#); [345 IAC 9-12-2](#); [345 IAC 9-17-16](#); [345 IAC 9-21.5-2](#); [345 IAC 10-2.1-1](#)

SECTION 1. [345 IAC 9-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-2.1-1](#) Incorporation by reference

Authority: [IC 15-17](#)

Affected: [IC 4-21.5-3](#); [IC 15-17-2](#); [IC 15-17-17](#)

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2016: **2018**:

- (1) 9 CFR 301, except the definitions in [IC 15-17-2](#) and [345 IAC 9-1-3](#) shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:
 - (A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.
 - (B) 9 CFR 306.1.
 - (C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.
 - (D) 9 CFR 308.
- (3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.
- (4) 9 CFR 325.
- (5) 9 CFR 416 through 9 CFR 441.
- (6) 9 CFR 500, except the following:
 - (A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H, shall mean [IC 15-17-17](#) and [IC 4-21.5-3](#).
 - (B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in [IC 15-17-2](#).

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

- (1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of [345 IAC 9-2](#).
- (2) A reference to:
 - (A) 9 CFR 307.4 shall refer to [345 IAC 9-7-4](#);
 - (B) 9 CFR 307.5 shall refer to [345 IAC 9-7-6](#); and
 - (C) 9 CFR 307.6 shall refer to [345 IAC 9-7-6](#).
- (3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of [345 IAC 9-12](#).
- (4) A reference to:
 - (A) 9 CFR 316.16 shall refer to [345 IAC 9-16-16](#); and
 - (B) 9 CFR 317.16 shall refer to [345 IAC 9-17-16](#).
- (5) A reference to:
 - (A) 9 CFR 321.1 shall refer to [345 IAC 9-20](#); and
 - (B) 9 CFR 321.2 shall refer to [345 IAC 9-20](#).
- (6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in [345 IAC 9-22](#).

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

(d) The board will utilize the latest edition of the following documents issued by the United States Department of Agriculture when interpreting and implementing the provisions of this article and [IC 15-17](#):

- (1) Food Safety and Inspection Service Regulatory Directives.
- (2) Food Safety and Inspection Service Notices.

(e) Copies of incorporated documents and interpreting and implementing documents may be obtained from the United States Department of Agriculture, Food Safety Inspection Service website, the U.S. Government Printing Office website, or by sending a written request to the board.

(Indiana State Board of Animal Health; [345 IAC 9-2.1-1](#); filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Sep 10, 1999, 9:14 a.m.: 23 IR 14; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1540; filed Jul 14, 2004, 9:25 a.m.: 27 IR 3982; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1552; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Aug 11, 2008, 3:39 p.m.: [20080910-IR-345080126FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#); filed Mar 25, 2014, 10:18 a.m.: [20140423-IR-345130230FRA](#); filed Dec 14, 2016, 11:58 a.m.: [20170111-IR-345160220FRA](#))

SECTION 2. [345 IAC 9-12-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-12-2](#) Inspected and passed products; official marks

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 2. (a) The official inspection legend required by 9 CFR 316 to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine, goats, and rabbits, meat food products in animal casings, and other products as approved by the board, shall be in the form of an outline of the state of Indiana with the words "IND. INSP. & PASSED BOAH EST. 000" inside the outline, as specified and depicted in this subsection, substituting the assigned establishment number where the number "000" is used. However, legend markers that were in use before July 1, 1996, may contain "St. B. of H" followed by "Est. 000", and the establishment number may be placed elsewhere on a label as allowed under 9 CFR 317.2. The official inspection legend described in this subsection is depicted in subdivision (2). Each mark must be a size specified in the following subdivisions but may vary by one-sixteenth (1/16) of an inch, plus or minus, in either direction:

(1) For applications to:

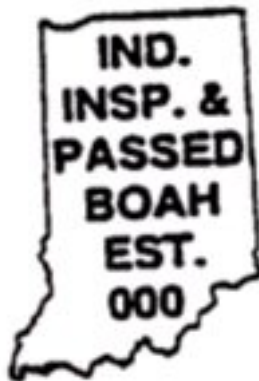
- (A) sheep, calf, goat, and rabbit carcasses;
- (B) the loins and ribs of pork;
- (C) beef tails; and
- (D) all varieties of sausage and meat food products in animal casings;

a mark that is either one and one-eighth (1 1/8) inches tall by five-eighths (5/8) inches wide or the size indicated in subdivision (2).

(2) For applications to:

- (A) cattle, swine, equine, cervid, and carcasses, primal parts, and cuts therefrom;
- (B) beef livers;
- (C) beef tongues;
- (D) beef hearts;
- (E) smoked meats not in casings; and
- (F) burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses;

a mark that is one and fifteen-sixteenths (1 15/16) inches tall by one and one-eighth (1 1/8) inches wide. The following is a picture of the mark:



(b) The official inspection legend required by 9 CFR **316** to be shown on all labels for inspected and passed products of livestock shall be in the form described and illustrated in subsection (a), except that it need not be of the size specified or illustrated, provided that it is proportionate to the size of the label, and a sufficient size and of such color as to be conspicuously displayed and readily legible and the same proportions of letter size and boldness are maintained as illustrated. This official mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(c) The official inspection legend described in subsection (a) may also be used for purposes of 9 CFR 316 on shipping containers, band labels, artificial casings, and other articles with the approval of the secretary.

(d) Any brand, stamp, label, or other device approved by the board and bearing any official mark prescribed in this section shall be an official device for purposes of the act. Notwithstanding any other provision of this section, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce.

(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 276; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1305; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 682; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1553; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#)) NOTE: Transferred from the Indiana State Department of Health ([410 IAC 9-12-2](#)) to the Indiana State Board of Animal Health ([345 IAC 9-12-2](#)) by P.L.137-1996, SECTION 76, effective July 1, 1996.

SECTION 3. [345 IAC 9-17-16](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-17-16](#) Custom prepared products; labels and containers

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#)

Sec. 16. Labeling of custom prepared products must be as follows:

- (1) Products that are custom prepared under ~~9 CFR 303 (a)(2)~~ **9 CFR 303.1(a)(2)** must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by 9 CFR 317) with the words, "Not For Sale" in lettering not less than three-eighths (3/8) inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.
- (2) Inspected products that are custom prepared in an official establishment for the ultimate consumer and according to specifications shall bear identification as to the individual patron, including the date of processing. The packaged products shall comply with all of the requirements of labeling in 9 CFR 317 and this rule with the exception of the net weight declaration.

(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 18, Sec 18.17; filed May 26, 1978, 3:30 p.m.: 1 IR 118; filed Aug 12, 1987, 4:30 p.m.: 11 IR 57; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1310; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); readopted filed Aug 7, 2013, 8:32 a.m.: [20130904-IR-345130236RFA](#)) NOTE: Transferred from the Indiana State

SECTION 4. [345 IAC 9-21.5-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 9-21.5-2](#) General provisions and incorporation by reference

Authority: [IC 15-17](#)

Affected: [IC 15-17-5](#); [IC 15-17-17](#)

Sec. 2. (a) The board adopts as its rule and incorporates by reference the regulations in 9 CFR Part 354 for the voluntary inspection of rabbits in effect on January 1, 2016: **2018**.

(b) The following revisions, exclusions, and limitations apply to the regulations adopted by reference in subsection (a):

- (1) The term "department" shall mean and refer to the board.
- (2) 9 CFR 354.45(b) is not incorporated by reference. The state veterinarian shall follow the notice provisions in [IC 15-17-17](#) when suspending or denying services under this rule.
- (3) 9 CFR 354.100 through 9 CFR 354.110 are not incorporated. The state veterinarian shall follow the procedures in [IC 15-17-5](#) and other state laws when assessing and collecting fees and charges.
- (4) The marks, devices, and certificates in [345 IAC 9-12](#) shall be the official marks, devices, and certificates for the purposes of the inspection program authorized in section 1 of this rule. The state veterinarian may authorize, after consultation with the United States Department of Agriculture, use of the marks described in 9 CFR 354.63 and 9 CFR 354.65.
- (5) 9 CFR Part 416 and 9 CFR Part 417 apply to establishments participating in the inspection program established under section 1 of this rule.

(Indiana State Board of Animal Health; [345 IAC 9-21.5-2](#); filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#); filed Dec 14, 2016, 11:58 a.m.: [20170111-IR-345160220FRA](#))

SECTION 5. [345 IAC 10-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 10-2.1-1](#) Incorporation by reference; poultry products inspection

Authority: [IC 15-17](#)

Affected: [IC 4-21.5-3](#); [IC 15-17-2](#); [IC 15-17-5-12](#); [IC 15-17-17](#)

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2016: **2018**:

- (1) 9 CFR Part 362 with the following amendments and additions:
 - (A) 9 CFR 362.4(a)(2), 9 CFR 362.4(b)(2), 9 CFR 362.4(c), 9 CFR 362.4(d), and 9 CFR 362.5 are not incorporated.
 - (B) Fees for voluntary inspection service shall be charged in accordance with [IC 15-17-5-12](#).
 - (C) The state veterinarian may refuse to provide or withdraw voluntary inspection service for administrative reasons, including nonavailability of personnel and failure to pay for service.
- (2) 9 CFR 381.1, except the definitions in [IC 15-17](#) and [345 IAC 10-1-1](#) shall control over conflicting definitions in 9 CFR.
- (3) 9 CFR 381.10 with the following amendments and additions:
 - (A) 9 CFR 381.10(d)(2)(i) shall be amended by deleting the word "unless" and the remaining part of the sentence that follows that word.
 - (B) A person operating a facility engaged in exempt operations described in 9 CFR 381.10(a)(4) through 9 CFR 381.10(a)(7) and 9 CFR 381.10(b) through 9 CFR 381.10(c) shall comply with the registration and record keeping requirements in 9 CFR 381.175 through 9 CFR 381.182.
- (4) 9 CFR 381.11 through 9 CFR 381.95, except the following are not incorporated:
 - (A) 9 CFR 381.36.
 - (B) 9 CFR 381.37.
 - (C) 9 CFR 381.38.
 - (D) 9 CFR 381.39.

(5) 9 CFR 381.115 through 9 CFR 381.182, except the following are not incorporated:

(A) 9 CFR 381.132.

(B) 9 CFR 381.133.

(6) 9 CFR 381.189 through 9 CFR 381.194.

(7) 9 CFR 381.300 through 9 CFR 381.500.

(8) 9 CFR 416 through 9 CFR 441.

(9) 9 CFR 500, except the following:

(A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean [IC 15-17-17](#) and [IC 4-21.5-3](#).

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in [IC 15-17-2](#).

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in [345 IAC 10-2](#).

(2) References to:

(A) 9 CFR 381.36 refer to [345 IAC 10-7-1](#);

(B) 9 CFR 381.37 refer to [345 IAC 10-7-2](#) and [345 IAC 10-7-3](#); and

(C) 9 CFR 381.38 and 9 CFR 381.39 refer to [345 IAC 10-7-3](#).

(3) References to:

(A) 9 CFR 381.96 refer to [345 IAC 10-13-1](#);

(B) 9 CFR 381.98 refer to [345 IAC 10-13-2](#);

(C) 9 CFR 381.99 refer to [345 IAC 10-13-3](#);

(D) 9 CFR 381.100 refer to [345 IAC 10-13-4](#);

(E) 9 CFR 381.101 refer to [345 IAC 10-13-5](#);

(F) 9 CFR 381.103 refer to [345 IAC 10-13-6](#);

(G) 9 CFR 381.110 refer to [345 IAC 10-13-7](#); and

(H) 9 CFR 381.111 refer to [345 IAC 10-13-8](#).

(4) References to 9 CFR 381.131 refer to [345 IAC 10-14-18](#) and [345 IAC 10-14-20](#).

(5) References to:

(A) 9 CFR 381.185 refer to [345 IAC 10-18-1](#); and

(B) 9 CFR 381.186 refer to [345 IAC 10-18-2](#).

(6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of [345 IAC 10-20](#).

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

(Indiana State Board of Animal Health; [345 IAC 10-2.1-1](#); filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1541; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1474; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Aug 11, 2008, 3:39 p.m.: [20080910-IR-345080126FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#); filed Mar 25, 2014, 10:18 a.m.: [20140423-IR-345130230FRA](#); filed Dec 14, 2016, 11:58 a.m.: [20170111-IR-345160220FRA](#))

[Notice of Public Hearing](#)

Posted: 05/16/2018 by Legislative Services Agency
An [html](#) version of this document.